



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TJR

Docket No: 6474-99

28 April 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 11 April 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Marine Corps on 26 August 1972 at the age of 22.

Your record reflects that during the period from 24 April to 11 December 1973 you received nonjudicial punishment (NJP) on three occasions for four days of unauthorized absence (UA), absence from your appointed place of duty, and two specifications of failure to go to your appointed place of duty. During the period from 8 February to 30 July 1974 you received NJP on three more occasions for disobedience, two specifications of absence from your appointed place of duty, and a three day period of UA.

Your record further reflects that on 13 July you were convicted by summary court-martial (SCM) of two periods of UA totalling 11 days. You were sentenced to confinement at hard labor for 45 days and reduction to paygrade E-1.

On 25 July 1977, at the expiration of your enlistment, you were released from active duty under honorable conditions.

Subsequently you were issued a general discharge upon completion of your military obligation.

Character of service is based, in part, on conduct and overall trait averages which are computed from marks assigned during periodic evaluations. Your conduct average was 2.9. An average of 4.0 in conduct was required at the time of your separation for a fully honorable characterization of service.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and your contention that you would like your discharge upgraded. The Board also considered your contentions that you were unfairly treated and threatened, did not receive proper counselling, and that your performance evaluations were not taken into full consideration in determining the characterization of your service. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the serious nature of your frequent misconduct, which resulted in six NJPs and a court-martial conviction, and since your conduct average was insufficiently high to warrant an honorable discharge. Further, the Board noted that there is no evidence in your record, and you submitted none, to support your contentions of unfair treatment, improper counselling, or communication of a threat. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director